

At the United States District Court held in
and for the Eastern District of New York
at the Alfonse M. D'Amato, U.S.
Courthouse, located at 100 Federal Plaza,
Central Islip, New York 11722-4449, on
the ___ day of _____, 2014

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JAN 10 2015 ★

LONG ISLAND OFFICE

ORDER

Docket No. MISC 14-1179

PRESENT:

HONORABLE ARTHUR D. SPATT
United States District Court Justice

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In the Matter of the Search of

THE PREMISES KNOWN AND DESCRIBED
AS 100 SWEENEYDALE AVENUE,
BAYSHORE, NEW YORK, A ONE STORY
BRICK BUILDING WITH A SIGN THAT HAS
THE NUMBER "100" (Subject Premises)

-and-

In the Matter of the Search of

THE PREMISES KNOWN AND DESCRIBED
AS 15-13 132nd STREET, COLLEGE POINT,
NEW YORK, A TAN BRICK WAREHOUSE
WITH ONE CARGO BAY AND A SIGN
ABOVE THE CARGO BAY THAT SAYS
"EXCEL WHOLESALE INC. CASH AND
CARRY SUPPLIERS OF HEALTH AND
BEAUTY AID AND GENERAL
MERCHANDISE 15-13" (Subject Premises),

Petitioners

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WHEREAS, the Petitioners, having filed an Order to Show Cause on October 14, 2014, which was signed by this Court on October 15, 2014, granting Petitioners a hearing to determine why this Court should not unseal the Affidavits and supporting documents in

connection with two (2) search warrants executed on July 24, 2014, by State and Federal agents at the two (2) subject premises; and

WHEREAS, the Petitioners having been represented by Thomas F. Liotti, Esq., The Law Offices of Thomas F. Liotti, LLC, located at 600 Old Country Road, Suite 530, Garden City, New York 11530; and

WHEREAS, The Respondent having been represented by Assistant United States Attorney, Charles P. Kelley, Esq., United States Attorney's Office, 100 Federal Plaza, Central Islip, New York 11722; and

WHEREAS, the matter having duly come on to be heard before this Court on October 24, 2014; and

WHEREAS, the Petitioners having been directed to submit an Order to the Court for signature.

NOW, after having heard oral argument and examination and inquiry into the facts and circumstances of the case and due deliberation having been had thereon; it is hereby:

ORDERED, that given that this case involved a pre-indictment search warrant or search warrants in an on-going multi-state investigation, the warrant materials, at this time, should remain sealed, however, if an indictment is not filed by January 24, 2015, [three (3) months *nunc pro tunc* from the date of the hearing date in this matter on October 24, 2014], the Affidavit and supporting documents in connection with the two (2) search warrants executed on July 24, 2014, by State and Federal agents at the two (2) subject premises, shall be immediately unsealed and any other related search warrant materials shall be revealed to the Petitioners forthwith; and it is further

ORDERED, that by October 29, 2014, [five (5) days *nunc pro tunc* of the hearing date in this matter on October 24, 2014], all legitimate, non-counterfeit property is to be released and made available for immediate pick up by the Petitioners.

SO ORDERED:

s/ Arthur D. Spatt

HONORABLE ARTHUR D. SPATT
United States District Court Justice

ENTER:

1/10/15